

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL No. 2327

THIS DOCUMENT RELATES TO ALL CASES

**AIMEE H. WAGSTAFF, ESQ.'S APPLICATION FOR APPOINTMENT AS MEMBER
OF THE PLAINTIFFS' STEERING COMMITTEE**

NOW INTO COURT, comes Aimee Hall Wagstaff, who respectfully files this Application for appointment as member of the Ethicon, Inc., Pelvic Repair Systems Products Liability Litigation Plaintiffs' Steering Committee and states as follows:

As an initial matter, Ms. Wagstaff is willing and available to commit to time-consuming projects, she maintains the ability to work cooperatively with others, and she has professional experience in this type of litigation.

Most recently, Ms. Wagstaff was appointed by the Hon. Judge Gail Andler to serve as liaison counsel and co-lead counsel of the Plaintiffs' Steering Committee *In Re: Infusion Pumps JCCP 4615*, California State Court, County of Orange ("JCCP 4615"). Currently, there are over 200 cases (and counting) pending in JCCP 4615. That appointment is particularly distinguished because the JMPL twice denied a federal coordination of the Infusion Pump litigation, making JCCP 4615 the only coordination in the county. Additionally, like the pelvic mesh litigation, there are several manufacturers of infusion pumps and JCCP 4615 is a "super JCCP" that includes each and every manufacturer of the infusion pump. Ms. Wagstaff invites Your Honor to contact the Hon. Judge Gail Andler, who can vouch for her skills, dedication and professionalism to the court and opposing counsel.

In her role as co-lead of the Infusion Pump litigation, Ms. Wagstaff oversaw, assisted, and/or created a Master and Short Form Complaint, discovery protocols, several Case Management Orders for the Common Benefit, personally reviewed tens of thousands of documents, drafted and organized case specific and Common Benefit motion practice, conducted

case specific and Common Benefit oral argument on several critical and/or dispositive issues within the JCCP, designed bellwether criteria, and led case selection. Additionally, Ms. Wagstaff was selected as co-lead counsel on the first bellwether case that was set for trial in Orange County, California on April 9, 2012 until it settled moments ago. Prior to her leadership role in JCCP 4615, Ms. Wagstaff got her “feet wet” in the mass tort arena working on MDL 1871, *In Re: Avandia*, U.S.D.C., E.D.PA, wherein her law partner, Vance Andrus, was appointed by Hon. Judge Cynthia Rufe to serve as co-lead counsel of that PSC. Under Mr. Andrus’ guidance, MDL 1871 recently resolved over 50,000 Avandia related claims.

Ms. Wagstaff earned her B.A. from the University of San Diego in 2000 and her J.D. from the University of Denver Sturm College of Law in 2005, where she served on the Water Law Review. In Ms. Wagstaff’s first legal position, she worked for the insurance defense firm of Fowler, Schimberg and Flanagan, P.C. During that time, she gained invaluable experience managing her own caseload (of several hundred cases) from client intake through trial and appeals. Next, Ms. Wagstaff worked for the corporate law firm of Kamlet Shepherd & Reichert, LLP, where she was, again, managing a large docket of complex cases with multiple parties. While at Kamlet Shepherd & Reichert, LLP, Ms. Wagstaff worked on several cases from the plaintiffs’ side and decided she was, indeed, a plaintiffs’ attorney. Shortly thereafter, in 2010, Ms. Wagstaff founded the Denver based law firm of Andrus Hood & Wagstaff, PC. Ms. Wagstaff’s career and experience presents her with the unique perspective of analyzing a case both as plaintiff and defense counsel, which allows her to avoid unnecessary disputes and set reasonable expectations within the litigation.

Ms. Wagstaff has served as a speaker at several national and regional CLE seminars, including several that are specifically related to the pelvic mesh litigation: NJ Pelvic Mesh Workshop, *Medical Device Law*, Atlantic City, New Jersey - September 14, 2011; Transvaginal Mesh Litigation Conference, *TVM: Alleged Patient Injuries and Related Therapies/Treatments*, Amelia Island, Florida - October 4, 2011; and MDL Conference: Transvaginal Mesh and ACTOS Litigation, *Claims & Defenses*, Miami, Florida - January 25, 2012.

Andrus Hood & Wagstaff, PC is perfectly situated to benefit the PSC in this MDL because of Ms. Wagstaff’s previous leadership running and overseeing the PSC in JCCP 4615. Additionally, Ms. Wagstaff’s senior partner, Vance Andrus, served as Chair of the Spitzfaden Breast Implant PSC in New Orleans, wherein he led a team of 23 law firms in simultaneous class

action proceedings against Dow Chemical Corporation, Baxter Healthcare, 3M, Inc. and BritolMyersSquibb. At present, Mr. Andrus serves as a member of the PSC and PSC Executive Committee as Coordinating Counsel in the Fosamax Products Liability Litigation, MDL 1789, member of the PSC in the Kugel Mesh MDL No. 1842, and member of the PSC in the Actos (Pioglitazone) MDL No. 2299. Additionally, Andrus Hood & Wagstaff has the financial resources necessary to serve on this PSC.

Currently, Ms. Wagstaff has filed or entered her appearance in the following pelvic mesh cases: (AMS) *Merryman v. Endo Pharmaceuticals et al.*, 2:12-cv-00467, MDL 2325; (AMS) *Garcia et al. v. AMS*, 1:12-cv-00751, U.S. Dist. Of CO; (Bard) *Shannon et al. v. C.R. Bard, Inc. et al.*, 1:12-cv-00758. U.S. Dist. Of CO.; (Bard) *Glotfelter et al. v. C.R. Bard, Inc.*, 2:12-cv-00884, MDL 2187; (BS) *Goodwin et al. v. Boston Scientific, Inc. et al.*, 2:12-cv-00742, MDL 2326; (BS) *Gulyban et al. v. Boston Scientific, Inc. et al.*, 2:12-cv-00743, MDL 2326; (BS) *Stuart et al. v. Boston Scientific, et al.*, U.S. Cent. Dist. of CA; (J&J) *Lobato et al. v. Johnson & Johnson et al.*, 1:12-cv-00757, U.S. Dist. Of CO.; (J&J) *Hargrove v. Ethicon, Inc., et al.*, 2:12-cv-00352, MDL 2327; and (J&J) *Harter et al. v. Johnson & Johnson et al.*, 2:12-cv-00737, MDL 2327. Additionally, she is co-counsel for hundreds of additional claimants whose claims are not as yet in suit.

Ms. Wagstaff is a member of the state and federal courts of Colorado and California and the United States Supreme Court and has never once been admonished by any Court for a lack of civility or professionalism, nor has she been the subject of any disciplinary action brought by any Court or Bar Association. Ms. Wagstaff is prepared to do Common Benefit work based upon such rates and conditions as this Court may deem appropriate. Ms. Wagstaff has reviewed the Proposed Counsel Structure Plan filed with the court for MDLs 2325, 2326 and 2327 on March 19, 2012 and joins in the recommendation to the court that the plan be accepted.

Respectfully submitted March 28, 2012.

ANDRUS, HOOD & WAGSTAFF, PC

BY: /s/ Aimee H. Wagstaff
Aimee H. Wagstaff, Esq., CO Bar. 36819
1999 Broadway, Suite 4150
Denver, CO 80202
Aimee.wagstaff@ahw-law.com
Direct Telephone: 720-208-9414